



1745

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hiroki Kabumoto et al

Group Art Unit: 1745

Serial No.: 10/088,515

Examiner: Susy N Tsang Foster

Filed: March 29, 2002

P.T.O. Confirmation No.: 4583

For: FUEL CELL THAT CAN STABLY GENERATE ELECTRICITY WITH EXCELLENT CHARACTERISTICS

RESPONSE TO NOTICE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: April 8, 2005

Sir:

In response to the Notice dated April 5, 2005 (copy attached), applicant submits herewith corrected pages 2 through 8 of the Amendment filed December 30, 2004, in response to the Office Action dated October 1, 2004. Applicant also submits one sheet of "Replacement Page" and one sheet of "Annotated Marked-Up Drawings" for Figures 11A and 11B.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP

Donald W. Hanson
Attorney for Applicants
Reg. No. 27,133

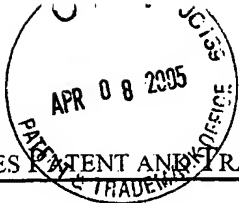
Atty. Docket No. 020313
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930
DWH/nk



23850

PATENT TRADEMARK OFFICE

Enclosures: Corrected Pages 2-8 of Amdt. filed 12/30/04; 1 sheet Replacement Drawings; 1 sheet Annotated Marked-up Drawings; copy of Notice



BEST AVAILABLE COPY

DWH

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,515	03/29/2002	Hiroki Kabumoto	020313	4583

23850 7590 04/05/2005

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

TSANG POSTER, SUSY N

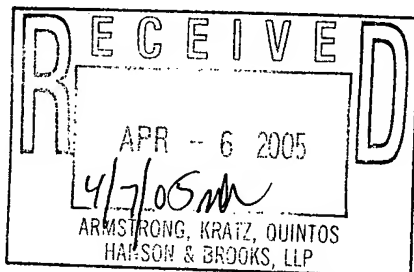
ART UNIT PAPER NUMBER

1745

DATE MAILED: 04/05/2005

*1 mo Response due
May 5, 2005*

Please find below and/or attached an Office communication concerning this application or proceeding.



DOCKETED ju
DATE April 7, 2005

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/088,515

Examiner

Susy N. Tsang-Foster

Applicant(s)

KABUMOTO ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 30 December 2004 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT.

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
- ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☒ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☒ C. Other Copies of the replacement drawings and annotated markup up copy are not enclosed in the amendment filed 12/30/2004.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Claim 7 is not an original claim.



For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Susy N. Tsang-Foster, Primary Examiner

Serial No.: 10/088,515
OA dated October 1, 2004
Resp dated April 8, 2005

IN THE DRAWINGS:

Please amend Figures 11A and 11B with the legend "PRIOR ART" as shown on the "Annotated marked up" copies enclosed. Also enclosed is a "Replacement Sheet" for the drawings.